

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

Criminal No. 01-5483M

JORGE LUIS FRIAS,

Defendant.

**MAGISTRATE JUDGE'S PROPOSED FINDINGS
AND RECOMMENDED DISPOSITION**

Proposed Findings

This matter comes before the Court upon the United States' Motion for an Order to Show Cause and Forfeiture of Appearance Bond, filed January 23, 2002. Having held a hearing on this matter on February 21, 2002, I hereby make the following findings:

1. On November 30, 2001, the Defendant and Jose Luis Frias, Sr., surety, executed an appearance bond in the amount of \$5,000.00.
2. The conditions of release, *inter alia*, required that Defendant appear for hearings when duly noticed by the Court.
3. On December 17, 2001, the Government filed Petition for action on conditions of pretrial release for Defendant's failure to report to pretrial services as directed and a warrant was issued for the arrest of Defendant.
4. The Court noticed Defendant and Jose Luis Frias, Sr., surety that the Court set a bond forfeiture hearing for February 21, 2002.
5. The Defendant was not present at the February 21, 2002 bond forfeiture hearing.

6. Jose Luis Frias, Sr., surety, appeared at the February 21, 2002 bond forfeiture hearing.

7. Jose Luis Frias, Sr., surety, offered no valid defense to the forfeiture of the bond.

Recommended Disposition

Pursuant to Federal Rule of Criminal Procedure 46(e), I recommend a declaration of bond forfeiture against Defendant and Jose Luis Frias, Sr., surety. I further recommend that judgment be entered against the Defendant and Jose Luis Frias, Sr., surety, in the principal amount of \$5,000.00, together with United States District Clerk Docketing fees in the amount of \$150.00 as provided by 28 U.S.C. §§2412(a)(2) and 1914(a), and interest at the legal rate compounded annually and computed daily until paid.

Timely objections to the foregoing may be made pursuant to 28 U.S.C. §636(b)(1)(C). Within twenty days after a party is served with a copy of these proposed findings and recommendations that party may, pursuant to §636(b)(1)(C), file written objections to such proposed findings and recommendations. A party must file any objections within the ten day period allowed if that party wants to have appellate review of the proposed findings and recommendations. If no objections are filed, no appellate review will be allowed.

A handwritten signature in black ink, appearing to read 'Leslie C. Smith', is written over a horizontal line.

LESLIE C. SMITH
UNITED STATES MAGISTRATE JUDGE